

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CRIMINAL ACTION NO. 09-10017-GAO

UNITED STATES OF AMERICA

v.

TAREK MEHANNA,  
Defendant.

OPINION AND ORDER

August 19, 2011

O'TOOLE, D.J.

In his motion to compel production of exculpatory evidence (dkt. no. 188), the defendant seeks disclosure of five specific categories of evidence listed in the motion. The Court denied in open court defendant's motion to order disclosure of information in items two, three, and five. The government continues its disclosure of information, and an order to disclose information requested in item one therefore is unnecessary at this time. As for item four, the defendant seeks information concerning whether a confirmed or suspected Al-Qaeda representative solicited the defendant to commit certain acts. The government denies that it has such evidence. In accordance with United States v. Prochilo, 629 F.3d 264, 268-69 (1st Cir. 2011), I have conducted an *in camera* review and have found on the basis of the information reviewed that there are no materials pertaining to the matter that are discoverable under Brady v. Maryland, 373 U.S. 83 (1963).

Accordingly, the defendant's Motion to Compel Production of Exculpatory Evidence (dkt. no. 188) is DENIED with respect to items two through five and DENIED without prejudice with respect to item one.

It is SO ORDERED.

/s/ George A. O'Toole, Jr.  
United States District Judge